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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/618,281

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Kazuhiro Yanase

Q60167

9866

7590

03/08/2005

Sughrue Mion Zinn

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EXAMINER

NALVEN, ANDREW L

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/618,281

Applicant(s)

YANASE, KAZUHIRO

Examiner

Andrew L Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,7,8,10-12 and 14 is/are allowed.
- 6) ☒ Claim(s) 5,6,9 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-14 are pending.
2. Amendment submitted 26 November 2004 has been received and entered.

### ***Response to Arguments***

3. Applicant has argued on page 11 of the remarks submitted 11/26/04 that the grounds of rejection for claim 5 is inconsistent because there is no indication of how place-specifying data could be generated by Murphy's center system. Examiner contends that this is immaterial. Examiner contends that all of the features of claim 5 are taught by the combination of Murphy and Abrams. Murphy teaches position information detecting and transmitting means detecting position information and time information (Abram, column 3 lines 46-48), encrypting the position information and then transmitting the encrypted position information to a center system (Murphy, column 13 lines 30-37), center system subjecting the position and time information with place-specifying data to copy-guard protection (Murphy, column 14 line 52 – column 15 line 19) and storing the copy-guarded signal in storage means of electronic equipment (Murphy, column 15 lines 6-7) wherein said position information detecting and transmitting means encrypts the position information on the basis of an encryption key which is predetermined for the position information (Murphy, column 13 lines 30-37) and

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Abrams teaches the lacking feature of generating of place-specifying data on the basis of the position information (Abram, column 3 lines 45-65).

4. Applicant further argues on Page 11 that Murphy and Abrams fail to teach "copy guard-processing by said center system." Examiner respectfully disagrees. Examiner contends that Murphy teaches storing the copy-guarded signal in storage means of electronic equipment (Murphy, column 15 lines 6-18). As Applicant has noted in his remarks, Murphy teaches that stored digital frames cannot be edited, altered, or deleted. However, Murphy further teaches that the digital frame cannot be transmitted to another person unless they are authorized. Given its broadest possible interpretation, copy guard processing may include the prevention of transmission, as that would be a form of copying. Copy guard processing does not necessarily mean no copying is allowed. It may be interpreted to mean there are limitations imposed on copying.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al US Patent No. 5,799,082 in view of Abram et al US Patent No.

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6,462,778. Abram discloses an apparatus for associating descriptive data with digital image files. Murphy discloses secure authentication of images with location data.

7. With regards to claims 5, 9, 13, Murphy teaches position information detecting and transmitting means detecting position information and time information (Abram, column 3 lines 46-48), encrypting the position information and then transmitting the encrypted position information to a center system (Murphy, column 13 lines 30-37), center system subjecting the position and time information with place-specifying data to copy-guard protection (Murphy, column 14 line 52 – column 15 line 19) and storing the copy-guarded signal in storage means of electronic equipment (Murphy, column 15 lines 6-7) wherein said position information detecting and transmitting means encrypts the position information on the basis of an encryption key which is predetermined for the position information (Murphy, column 13 lines 30-37). Murphy fails to teach the generating of place-specifying data. Abram teaches the generating of place-specifying data on the basis of the position information (Abram, column 3 lines 45-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Abrams' method of generating place specifying data with Murphy's secure image authenticator system because it offers the advantage of allowing the translation of location coordinates into a more easily recognizable place name (Abrams, column 1 lines 45-53).

8. With regards to claim 6, Murphy as modified above teaches a GPS receiver determining position information from a signal from a GPS satellite group (Abram,

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column 3 lines 45-47) in the form of longitude/latitude coordinates (Abram, column 6 lines 20-29).

***Allowable Subject Matter***

9. Claims 1-4, 7-8, 10-12, and 14 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter:
11. With regards to claims 1-4, see office action mailed 6/25/04.
12. With regards to claims 7-8, 10, and 14, the cited claims identify the distinct feature of generating place specifying data after decrypting encrypted image and position information and authenticating the encrypted image and position information (see Applicant's arguments filed 11/26/04 Pages 11-12).
13. With regards to claims 11-12, the cited claims identify the distinct feature of transmitting processed place-specifying data to the electronic equipment that has transmitted the position information (see Applicant's argument found on page 9 of amendment submitted March 11, 2004).

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Nalven whose telephone number is 571 272

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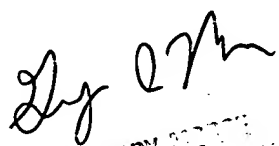
3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

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